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Paper No. 5

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FEB 16 2001

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Bart Reynolds
Application No. 09/649,437
Filed: August 23, 2000
Attorney Docket No. 003242.P017

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: DECISION GRANTING
: PETITION
:
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This is a decision on the petition under 37 CFR 1.10(c) filed January 16, 2001, requesting that the above-identified application be accorded a filing date of August 23, 2000, instead of the presently accorded date of August 25, 2000.

Petitioner alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service, on August 23, 2000. In support, petitioners provided a copy of the Express Mail label, receipt no. EL371008575US, showing a Date-In of August 23, 2000. The same Express Mail receipt number was referred to in the copy of the original Application Transmittal Letter submitted with the instant petition. Petitioner requests that the application be accorded a filing date of August 23, 2000.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on August 23, 2000.

The petition is granted.

The application is being returned to Initial Patent Examination Division for correction of the filing date to August 23, 2000.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

A handwritten signature in cursive script, reading "Sherry Brinkley". The signature is written in dark ink and is positioned above the printed name and title.

Sherry Brinkley
Petitions Examiner
Office of Petitions
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for Patent Examination Policy